



DEPARTMENT OF THE ARMY
ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
P.O. BOX 6898
JBER, AK 99506-0898

August 5, 2024

CERTIFIED MAIL RECEIPT NO.: 7021-1970-0002-1283-8582

Regulatory Division
POA-2013-00396

Mark Davis
Alaska Industrial Development and Export Authority
813 W. Northern Lights Blvd.
Anchorage, Alaska 99503

Dear Mr. Davis:

I am writing to inform you that effective immediately I am suspending your Department of the Army (DA) permit, number POA-2013-00396, issued to Alaska Industrial Development and Export Authority (AIDEA) on August 25, 2020. The permit authorized the permanent fill of 1,431 acres of wetlands and 0.5 acre of open water with 8,460,218 cubic yards fill material. The permit authorized impacts to approximately 250,435 linear feet of stream channel and temporary impacts to 333.6 acres of wetland and 0.1 acre of open water with approximately 50,190 cubic yards of fill material.

The project site begins at Latitude 67.162° N., Longitude 157.052° W.; near Ambler Mining District, and ends at Latitude 67.081° N., Longitude 150.345° W near mile post 161 of Dalton Highway.

The Bureau of Land Management (BLM), as the lead federal agency for compliance with the National Environmental Policy Act (NEPA), prepared an Environmental Impact Statement (EIS) for the proposed action with the U.S. Army Corps of Engineers (USACE) as a cooperating agency. BLM and USACE then issued a Joint Record of Decision (JROD) in July of 2020 approving the project. Litigation challenging the decision ensued and in response to an Order granting the Bureau of Land Management (BLM) voluntary remand in two cases¹, BLM proceeded with a supplemental Environmental Impact Statement (SEIS) (notice of intent September 20, 2022) to further evaluate subsistence and other impacts. It released a final SEIS (FSEIS) on April 19, 2024, that presented the No Action Alternative as the agency's preferred alternative. On June 28, 2024, BLM issued a Record of Decision (ROD) selecting the No Action Alternative and terminating the ROW grant across BLM lands.

The decision also directs BLM to terminate the National Historic Preservation Act Section 106 Programmatic Agreement (PA).

N. Alaska Env't Council, et al. v. Haaland, et al., Case No. 3:20-cv-00187-SLG (D. Alaska) and *Alatna Vill. Council, et al. v. Heinlein, et al.*, Case No. 3:20-cv-00253-SLG (D. Alaska).

In accordance with 33 CFR 325.7(c) I have determined it is in the public interest to suspend the permit due to the new information in BLM's FSEIS and ROD constituting changes to the circumstances relating to the authorized activity. All previously authorized activities or work under DA jurisdiction shall cease immediately. Any further work in these areas shall be considered a knowing, repeat, and flagrant violation of Federal law.

You have 10 days from receipt of this letter to request a meeting and/or public hearing to present information on this matter. If a hearing is requested, the procedures prescribed in 33 CFR part 327 will be followed. Following this suspension, a decision will be made to either reinstate, modify, or revoke the permit.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations. Please refer to file number POA-2013-00396 in future correspondence.

Please contact John Sargent, Project Manager via email at john.c.sargent@usace.army.mil, by mail at the address above, or by phone at (907) 458-1603 if you have questions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,



Jeffrey S. Palazzini
Colonel, U.S. Army
Commanding

Cc: mdavis@aidea.org